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At an IAS Part of the Supreme  
Court of the State of New York,  
in and for the County of Kings,  
at the Courthouse located at 360  
Adams Street, Brooklyn, New  
York 11201, on the 3rd day of  
September 2024

Present:

Honorable Lisa S. Otley, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

KINGS COUNTY CLERK  
FEE PD \$ 45.00

-----X  
HAIM KAHAN,

Plaintiff,

Index No. 523694 /2024

-against-

COHEN TAUBER SPIEVACK & WAGNER P.C.,  
YECHESKEL WEISZ, and SHIA WEISZ

(PROPOSED)  
ORDER TO  
SHOW CAUSE

Defendants.  
-----X

*order*  
*P*  
PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Haim Kahan,  
dated September 3, 2024, the Affirmation of Frank Seddio, dated September 3, 2024, and upon all  
pleadings and prior proceedings had herein, ~~it is hereby~~

*Let*  
~~ORDERED~~ that defendants Cohen Tauber Spievack & Wagner P.C. ("CTSW"),  
Yechezkel Weisz and Shia Weisz show cause before this Court at IAS Part 92 Room 541, at the  
Courthouse located at 360 Adams Street, Brooklyn, New York, on September 18, 2024, at 2:00  
*afternoon*  
in the ~~forenoon~~ of that day, or as soon thereafter as counsel can be heard, why an Order should not  
be made and entered ordering CTSW, former counsel for plaintiff Haim Kahan ("Plaintiff"), to  
transfer the \$1.6 million belonging to Plaintiff ("Plaintiff's Funds") it is currently holding in

escrow in connection with a proceeding captioned *Kahan v. Weisz et al.* (Index No. 519589/2024) (Sup. Ct. Kings County) ("Underlying Action") to Plaintiff, and it is further

**ORDERED**, that pending the hearing of this motion, in accordance with the prior Orders of this Court (copies of which are annexed hereto), CTSW shall immediately comply with the August 30, 2024 order of this Court (Hon. Cenceria P. Edwards) and release to Plaintiff the \$1.6 million in Plaintiff's Funds it is holding in escrow, and it is further

**ORDERED**, that pending the hearing of this motion, to effectuate the foregoing and the August 30, 2024 order of this Court (Hon. Cenceria P. Edwards) (i) Plaintiff is authorized to withdraw the Plaintiff's Funds through ACH or similar withdrawals from CTSW's escrow account; and it is further

**ORDERED** that pending the hearing of this motion the monies which are currently being held in the escrow by CTSW pursuant to the Order of the Hon. Katherine A. Levine, attached, NYSCEF doc. No.16 entered in the underline action (Underlying Action Order) shall be immediately transferred by CTSW to the escrow account of Progressive Real Estate Agency LLP, 111 Clifton Avenue, Lakewood, New Jersey 08701 by wire transfer (account ending in 2502) Attn: Mr. Rubin; and it is further

**ORDERED** that the underlying action order is hereby vacated and this order shall supersede in all respects; and it is further

**ORDERED** that pending the hearing, Progressive Real Estate Agency LLP shall comply with Judge Cenceria Edwards' Order dated Friday, August 30, 2024; and it is further

~~**ORDERED**, that opposition papers, if any, shall be served on Plaintiff's counsel of record, Frank R. Seddio, Seddio & Associates, P.C., by email (seddiofrank@gmail.com) and Federal Express, not later than ten days before the above hearing date, and reply papers, if any, shall be~~

~~served on CTSW, by email to Stephen Wagner (swagner@etswlaw.com) and Federal Express no~~  
~~later than one day before the above hearing date, and it is further~~

Let ~~ORDERED~~ that service of a copy of this Order to Show Cause, together with the papers  
all *allendant personal service*  
upon which it is based, on ~~CTSW~~, by email to Stephen Wagner (swagner@etswlaw.com) and  
Federal Express, on or before September 3, 2024, shall be deemed good and sufficient service.

ENTER:

J.S.C.

  
HON. LISA S. OTTLEY